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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

SAMANTHA ALARIO, *et al.*,

Plaintiffs,

and

TIKTOK INC.,

Consolidated Plaintiff,

v.

AUSTIN KNUDSEN, *in his official
capacity as Attorney General of the State
of Montana,*

Defendant.

Lead Case No.
CV 23-56-M-DWM

Member Case No.
CV 23-61-M-DWM

**DECLARATION OF PATRICK
TOOMEY IN SUPPORT OF
MOTION FOR *PRO HAC VICE*
ADMISSION**

I, Patrick Toomey, state as follows:

1. I, by and through Montana counsel and pursuant to Rule 83.1(d) of the Local Rules of Procedure of the United States District Court for the District of Montana, respectfully apply to the Court to appear in this case *pro hac vice* on behalf of Amici Curiae American Civil Liberties Union, American Civil Liberties Union of Montana, and Electronic Frontier Foundation.

2. I do not reside in Montana, nor am I regularly employed in Montana. I reside in the State of New York and have my office at 125 Broad Street, 18th Floor, (212) 519-7816, email: ptoomey@aclu.org.

3. My firm will pay, simultaneously with filing this application, the admission fee shown on the Court's website.

4. I am proficient in electronic filing in another federal district court.

5. I have been admitted to practice before the following courts:

Court	Date of Admission	Status
Massachusetts State Bar (No. 673928)	Dec. 12, 2008	Active
New York State Bar (No. 4983979)	Jan. 11, 2012	Active
Southern District of New York	Feb. 3, 2012	Active
Eastern District of New York	Feb. 3, 2012	Active

District of Colorado	July 2, 2014	Admin Removal as of Jan. 1, 2023 ¹
U.S. Court of Appeals for the Second Circuit	Feb. 6, 2014	Active
U.S. Court of Appeals for the Third Circuit	Oct. 5, 2021	Active
U.S. Court of Appeals for the Fourth Circuit	Dec. 17, 2015	Active
U.S. Court of Appeals for the Ninth Circuit	Apr. 21, 2015	Active
U.S. Court of Appeals for the Tenth Circuit	Feb. 11, 2019	Active
Supreme Court of the United States	Aug. 19, 2020	Active

6. I am in good standing and eligible to practice in each of the courts listed above except as noted above in the District of Colorado where my admission has since ended, and I am not currently suspended or disbarred in any other court.

¹ “Admin Removal” indicates that an attorney has not renewed their admission through payment of the District of Colorado’s new biennial fee and has been administratively removed from the roll of admitted attorneys. As stated on the district court’s website, “This status is not considered disciplinary in nature.” Attorney Status, United States District Court, District of Colorado, <https://www.cod.uscourts.gov/CMECF/AttorneyStatus.aspx> (last visited Aug. 7, 2023) (emphasis in original).

The District of Colorado does not offer admission *pro hac vice*, and I obtained admission in 2014 for the purpose of a single matter that has now concluded. See General Attorney Information, United States District Court, District of Colorado, <http://www.cod.uscourts.gov/AttorneyInformation/GeneralAttorneyInformation.aspx> (last visited Aug. 7, 2023).

7. I have never been held in contempt, otherwise disciplined by any court for disobedience to its rules or orders, or sanctioned under Federal Rules of Civil Procedure 11 or 37(b), (c), (d), or (f) or their state equivalent.

8. I am not currently making, nor have I made within the two years preceding this application, any *pro hac vice* applications to this Court.

9. I understand that *pro hac vice* admission in this Court is personal to me only and not an admission of a law firm and that I will be held fully accountable for the conduct of the litigation in this Court.

10. In accordance with Montana Rule of Professional Conduct 8.5, I swear and affirm that I will be bound by the Montana Rules of Professional Conduct (except Rules 6.1 through 6.4) in my practice of law in this State.

11. Furthermore, pursuant to Montana Rule of Professional Conduct 8.5, I understand and certify that I will be subject to the disciplinary authority of this State. A copy of this certification will be mailed contemporaneously to the State Bar of Montana in Helena. Furthermore, pursuant to Local Rule 83.2(a), I understand that the standards of professional conduct of attorneys appearing in this Court include the American Bar Association's Model Rules of Professional Conduct and the Montana Rules of Professional Conduct.

12. I swear and affirm under penalty of perjury that I am the applicant in the above-styled matter; that I have read the foregoing application and know the contents thereof; and that the contents are true to my knowledge.

Dated: August 8, 2023

/s/ Patrick Toomey

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